

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARISE FOR SOCIAL JUSTICE;
JOISTE?; NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP;
REV. TALBERT W. SWAN, II;
NORMAN W. OLIVER; DARLENE
ANDERSON; GUMERSINDO GOMEZ;
FRANK BUNTIN; RAFAEL
RODRIGUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and
SPRINGFIELD ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF ORLANDO SANTIAGO

1. I live in Springfield and work as a campus coordinator for the North End Outreach Network. I also work at the School Department as parent facilitator liaison.
2. I am Latino. I grew up in the North End, but now I live in Forest Park.
3. I have become very familiar with issues relating to the Springfield schools. I did this by sending my own children to the Springfield schools, becoming active in parent teacher organizations, talking with counselors, teachers, principals, and administrators, reading and clipping newspaper articles, and generally asking questions of knowledgeable people. I have been Vice President of Springfield Parents Advisory Network and President of my children's PTO at Central High School. I was a member of the School Center Decision Making Committee.
4. In 2005, I ran for Springfield School Committee. I finished fourth behind three incumbents and was not elected.

The Springfield Schools

5. The vast majority of the children in Springfield's schools are either Latino or African American. Only 18% are white.

6. Latinos in Springfield schools have a dropout rate of about 50%, and only about 5% go on to college. Very few whites fail to graduate, and the majority go on to college.

7. The great majority of the teachers in the Springfield public schools live outside of the City of Springfield.

8. In Springfield, there are “have” schools in “have” neighborhoods, and they are treated differently than the “have nots.” Even though Latinos and African Americans represent the vast majority of the student body, the school district pays extra attention to the 18% of the students who are white. Administrators protect schools in white neighborhoods, particularly Brunton, Kiley, Talmadge, Beal, and Warner.

9. The school administration make an effort to give Latino and African American students access to new and innovative schools, but the effort falls very short. The better high schools tend to have proportions of white students that far exceed their 18% population share. There is concern among parents that the EL Gates School presently has a disproportionate share of white students compared to other schools of that grade level. The new high school, which is slated to open next year on the grounds of STCC, is expected to have an entrance exam, which will likely result in racial imbalance.

10. The new school boundary plan has a differential impact on people of color. Under the boundary plan, most students are required to attend schools in their neighborhoods.

11. The plan was overwhelmingly opposed by Latino and African American parents. The Massachusetts Racial Imbalance Advisory Council advised against the boundary plan. Dr. Burke even acknowledged to the Board of Education at the time that the potential was there for the isolation of the Hispanic community under the boundary plan. The School Committee still adopted the plan.

12. The main purpose of the boundary plan was to decrease transportation costs. Under the boundary plan, there are more students walking long distances to school. This raises safety and health issues, especially for Latino and African American children, who are more likely to have to walk through high crime areas and also are more likely to suffer from asthma. The North End has some of the highest asthma rates in the City on account of the highway, the hospital’s incinerator, and the bus stations that are located in that neighborhood. Walking to school in winter could result in increased respiratory problems for students with asthma, and increased absenteeism.

13. As a result of the boundary plan, parents have lost their ability to choose where their children attend school. Previously, a family had school choice. Once the boundary plan has been fully implemented, these families will only be able to move their children to schools that are close to where they live. 34 of Springfield’s 44 schools are underperforming, and the underperforming schools tend to be in Latino and Black neighborhoods. So the boundary plan tends to restrict the choices of Latinos and African

Americans to underperforming schools. A family that qualifies under No Child Left Behind can only move within their boundary, unless the family is accepted for a magnet school.

14. The boundary plan grandfathered for two years students who already were attending schools outside of their boundary area. When the plan was enacted, I understood that these children would be allowed to continue attending the same schools as long as their families provided transportation. Now, the schools are telling parents that their children will need to apply under a legacy program in order to remain in schools outside of their boundary areas.

15. Another example of a policy that has a negative impact on Latino and African American students is the wait list policy that was enacted by the School Committee for determining the order for students to choose a high school. Under this policy, students with a history of disciplinary problems or absenteeism were placed lower on the list. This especially affected Latino and African American children.. This wait list policy was rescinded by the School Committee only because Marjorie Hurst, the sole person of color on the School Committee, was so outraged about it.

16. Many Latinos perceive that the procedure for placing students at the high schools is not fair. Compared to their 18% share in the overall student population, whites are overrepresented in the student body at Central (and underrepresented at other schools such as Science and Technology, Commerce and Putnam). Nonetheless, my daughter was not admitted to Central. I asked about how her placement was determined, and I was told that race and gender were the two primary considerations. If that were the case, then I would have expected her to be placed at Central, which is less racially balanced than other high schools in Springfield. I filed a complaint about her placement with the Department of Education.

17. Springfield has a serious problem of school absenteeism, particularly among students of color. Every day 4000 children are out of school. About half are unexcused absences. Recently the administration changed the start time for Springfield's high schools – making it earlier. This did not make sense to me since studies have shown that high school absentee rates go down with later starting times, and Holyoke has had good results with later starting times. Imposing the earlier starting time seemed to coincide with the new wait list policy making school choice dependent on a child's rate of disciplinary problems and absenteeism. It is ironic that the start times at Springfield's parochial and private schools did not change. These schools, which have larger percentages of white students than the public schools, have student transportation paid for by the city, yet the students did not have to adjust to the earlier start time..

18. Springfield's School Committee is an absentee school committee. Except for Antonette Pepe and to some extent Marjorie Hurst, the Committee is passive. The members do what Dr. Burke suggests.

19. Dr. Burke seems to have the view that if problem children drop out of the schools, the overall system's scores will go up. In effect, it's a plan to fail children of color.

20. Through my work and my conversations with people involved in the schools, I believe that the practice of searching students' persons and belongings occurs more frequently with Latino and African American children than white children. Many of these searches occur without probable cause.

21. Many white families have left the Springfield public school system. Over 500 Springfield kids are enrolled in state-wide school choice. 90% of them are whites. One goal of the School Committee is to attract middle class white families, who have left the system, back into the Springfield public schools. I too favor trying to attract more middle class families and children back to the Springfield schools, but by improving the schools for everyone.

22. An issue that concerns me is inadequate food in schools. Latino and African American children have particular problems with diet, including diabetes and obesity. The mission statement of schools touts education and health. Yet the schools feature unhealthy snacks.

23. Springfield needs more Latinos and African Americans on the School Committee and in positions of authority in the schools. Among other things, it is important for students to be able to see people with authority to run the school system whom the children could identify with—who look like them, eat the same foods, listen to the same music, walk the same neighborhoods. This would help the kids get over the attitude—“all those white folks they don't care nothing about us”—an attitude that makes them feel alienated from the schools and the City.

24. Springfield has had horrible problems with not having school department literature in Spanish. The need is particularly strong with special education literature. There are at least 5000 kids in special education. 65% of them are Hispanic. Yet there is no literature in Spanish, even though special ed parents need a lot of specific information about programs, and they can be called on to fill out a number of forms. It is ironic that the City was just slapped by the Department of Justice for not having adequate literature in Spanish on voting rights. The mayor is surely aware of this, and he is the chairman of the School Committee. Why hasn't this problem been fixed in the schools?

25. Based on my on-the-job experience with Latino parents and my conversations with parents at meetings around the City, many parents are reluctant to complain about lack of Spanish language assistance and information for fear of retribution.

26. There are very few Latinos in executive positions in the school system, and still fewer who are bilingual.

Running for School Committee

27. While campaigning for School Committee, I had to work hard at asking Latino voters for their support. It is hard to get the Latino community to come out to vote because people do not see the point in voting. They're frustrated, and they don't feel that the City government is connected with them and working for them. For years, they have heard the same promises that the City Council and School Committee will pay attention to their needs, but the promises have not been kept.

28. I live in the historic Forest Park area, a traditionally white community. I am active in the neighborhood and have many friends there. This helped me win votes in the election.

29. Nevertheless, as a Latino candidate, I found that there were limits to the political support that I could obtain from the historic Forest Park community. They prioritized their support, and their priority was to support other candidates. For example, I went to "standouts" with supporters of Mayor Ryan—and although they would stand with me, they would not hold my signs.

30. Lack of financial resources presented serious obstacles to my campaign. The Latino community has little money to contribute to a candidate they support. I tried to raise funds from many sources outside the Latino and Black communities, but time and again the people I approached told me there were too many candidates and they had just given to a white candidate.

31. I held two fundraisers, one in the North End and one in my home. The one in the North End was an all-day car wash. It took a lot of time and preparation. It required a lot of work. And it raised approximately \$500. The fundraiser in my home, drawing from my neighbors and friends did much better, and took only four hours. For the rest of my campaign funds, I had to use my own money. Buying a commercial to get my name out to the public was out of the question. I bought signs and printed fliers. I got bumper stickers. I did the designs myself and used the least expensive materials I could find.

32. My campaign staff consisted of me, my wife and our three children. We passed out over 15,000 fliers. We tried to walk through all the neighborhoods of the City, but the City was too big. I felt that, as a first-time Latino candidate, I had to work extra hard at campaigning. I had to sell myself every chance voters gave me—at every meeting in every part of the City.

33. The situation seemed very different for the three incumbents. They seemed to campaign very little, if at all.

34. I had to fight my way into some candidate forums. School Committee members weren't invited to candidate forums. This worked to the advantage of the incumbents and against the two Latinos who were running, Victor Davila and me. Even the Forest Park Civic Association in my own neighborhood—an organization in which I am active—held a candidate forum and didn't invite me.

35. The media ignored my campaign and Victor Davila's campaign. At all levels—print, radio, and TV—they ignored us. I generally tried to get the media's attention, but I consciously did not go to the Springfield Republican to seek its endorsement. The Springfield Republican is not a friendly newspaper when you come from the Latino community. I knew this because I had brought issues to the Republican concerning the schools and discrimination. I never got the paper's attention.

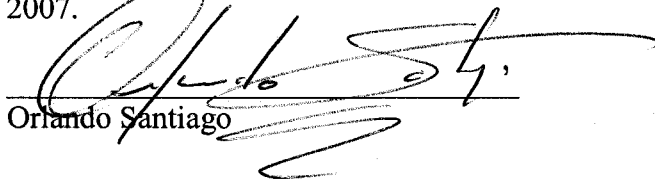
36. It would be much easier for me or other candidates of color to win in a district-based system. I could have canvassed the entire district door to door, met with faith-based groups, gone to civic association meetings, gone directly to businesses seeking funding, and not had to be as concerned with city-wide media or connections with the power structure.

37. I also believe that a district-based system would lead to real discussion of issues. Two candidates going head to head would really be able to show people what each candidate is about.

38. Running citywide, I found that, as a Latino candidate, I had to be careful how I phrased what I had to say. Outside the Latino and Black communities, I had to be careful how I made a point that I could freely say in the Latino parts of town. The middle class neighborhoods see the North End, the South End, and the Upper Hill as part of the City's problems. I remember speaking to a predominantly white audience and saying, "The Latino community is hurting." The audience did not react well to this, and I had to choose my words very carefully.

39. A ward system would increase Latino and Black turnout—it would level the playing field for Latino and Black candidates and voters. The voters would say to themselves: "If I vote for this person, who is my neighbor, there is a great chance that he will win, and there will be a change for the better in my community."

SIGNED UNDER THE PENALTIES OF PERJURY THIS 8TH DAY OF MARCH, 2007.


Orlando Santiago

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2007, I caused to be served by electronic means, via the Court's ECF system, the Trial Affidavit of Orlando Santiago, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned documents to be served via Federal Express upon the non-CM/ECF participants.

Dated: March 8, 2007
Boston, Massachusetts

s/Paul E. Nemser
Paul E. Nemser